

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<p><b>DARREN L. MILLER,</b></p> <p style="text-align: right;">v.</p> <p><b>MR. BRIGHT, <i>et al.</i></b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Plaintiff,</b></p> <p><b>Defendants.</b></p> <p style="text-align: right;">Case No. 2:22 -cv-926</p>
--	---	--

**MEMORANDUM ORDER**

This *pro se* civil action was commenced on June 23, 2022 by Plaintiff Darren L. Miller, an individual who was previously in the custody of the Pennsylvania Department of Corrections. The remaining Defendants at this juncture are Corrections Health Care Administrator James Bright and Corrections Officer Christian Sheetz, both of whom were employed at SCI-Fayette during the course of Plaintiff's confinement at that facility. Plaintiff has alleged that CHCA Bright failed to provide him access to a prescribed course of physical therapy for non-medical reasons and that C.O. Sheetz attacked him on December 12, 2021 and threatened him regarding an ongoing lawsuit that Plaintiff had filed against corrections staff at a different correctional facility. Based on these allegations, Plaintiff has asserted claims of assault and battery as well as alleged violations of his First and Eighth Amendment rights. The matter has been referred to United States Magistrate Judge Kezia Taylor for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.

On September 20, 2024, Defendants filed a motion for summary judgment on the aforementioned claims. ECF No. 50. Plaintiff has not responded to the motion, nor has he explained his failure to respond, despite having been directed to show cause for his delinquency.

On March 19, 2025, Judge Taylor issued a report and recommendation (“R&R”) in which she opined that the case should be dismissed for failure to prosecute. ECF No. [50]. After considering the various factors set forth in *Poulis v. State Farm Fire & Casualty Company*, 747 F.2d 863 (3d Cir. 1984), Judge Taylor concluded that, on balance, the relevant factors weighed in favor of dismissal as a punitive sanction.

Objections to the R&R were due on or before April 7, 2025. To date, no objections have been received.

Accordingly, after *de novo* review of the Complaint and documents in the case, including the Defendants’ pending motion for summary judgment, ECF No. [50], and the Magistrate Judge’s Report and Recommendation, ECF No. [56],

IT IS ORDERED, this 15th day of April, 2025, that pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the Plaintiff’s claims shall be, and hereby are, DISMISSED with prejudice, based on Plaintiff’s failure to prosecute this case.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge issued on March 19, 2025, ECF No. [56], is adopted as the Opinion of this Court.

IT IS FURTHER ORDERED that the Defendants’ motion for summary judgment, ECF No. [50], is DISMISSED as moot.

There being no other matters pending before the Court in the above-captioned case, the Clerk is directed mark this civil action “CLOSED.”



Susan Paradise Baxter  
United States District Judge